

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

IN RE:	
BRIAN P. BOYD GIOMARIS BOYD 311 Five Pine Ct Mebane, NC 27302 SSN: xxx-xx-1169 SSN: xxx-xx-7206	Case No. 09-81876 Chapter: 7
Debtor(s).	

MOTION OF CHRYSLER FINANCIAL SERVICES AMERICAS LLC  
TO CONFIRM TERMINATION OF THE AUTOMATIC STAY

Chrysler Financial Services Americas LLC f/k/a DaimlerChrysler Financial Services Americas LLC ("CFS"), by and through counsel, hereby moves pursuant to 11 U.S.C. §§105(a), 362(h), and 521(a) to confirm the termination of the automatic stay and would state and show unto the Court that:

1. On February 28, 2009, the Debtor, Brian P. Boyd, purchased a 2009 Jeep Wrangler, VIN 1J4GA591X9L745932 ("Vehicle"), said transaction being financed by CFS. A copy of said Retail Installment ("Contract") is attached hereto and incorporated by reference.

2. To secure the amounts advanced by CFS, the Debtor granted to CFS a security interest in the Vehicle; CFS holds a validly perfected, first priority security interest in the Vehicle, as noted on the Certificate of Title issued by the State of North Carolina. A copy of said Title is attached hereto and incorporated by reference.

3. On October 22, 2009, the Debtor filed a voluntary petition under Chapter 7 of the Bankruptcy Code.

4. On October 22, 2009 the Debtor filed a Statement of Intention indicating that the Debtor will reaffirm the debt owed CFS on the Vehicle and retain the collateral and continue to make regular payments to CFS.

5. On November 1, 2009, counsel for CFS forwarded a reaffirmation agreement consistent with the terms of the Contract to Debtor's attorney; such reaffirmation agreement has not been returned.

6. The Debtor's meeting of creditors was first set to be held on November 20, 2009.

7. The Chapter 7 Trustee has not filed a motion declaring the vehicle of consequential value or benefit to the estate pursuant to the provisions of 11 U.S.C. §362(h)(2).

8. The Debtor failed to enter into a reaffirmation agreement with CFS or redeem the Vehicle within thirty (30) days of the first date set for the Debtor's meeting of creditors.

9. Pursuant to 11 U.S.C. §§ 362(h)(1) and 521(a)(2), CFS submits that the automatic stay is terminated with respect to the Vehicle and the Debtor(s), and such Vehicle is no longer property of the bankruptcy estate.

WHEREFORE, THE ABOVE PREMISES CONSIDERED, CFS requests that the Court enter an Order:

1. Confirming the termination of the automatic stay, and declaring that CFS is entitled to exercise all rights under state and/or federal law, which are not inconsistent with Title 11 of the United States Code; and

2. Granting such other and further relief as may be just and proper.

Respectfully submitted,

/s/ Jacob Zweig

Jacob C. Zweig (NC Bar No.38641)

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LLC

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**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that on the below date, the undersigned served a copy of the Motion to Confirm Termination of the Automatic Stay by depositing the same, enclosed in a postpaid wrapper, properly addressed to the following parties in interest, at their last known addresses as shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

John T. Orcutt  
Debtors' Attorney  
6616-203 Six Forks Road  
Raleigh, NC 27615

Edward C. Boltz  
Debtors' Attorney  
Suite D  
1738 Hillandale Rd.  
Durham, NC 27705

John A. Northern  
Chapter 7 Trustee  
P. O. Box 2208  
Chapel Hill, NC 27514-2208

Brian P. Boyd  
Giomaris Boyd  
311 Five Pine Ct  
Mebane, NC 27302

**THIS** the 17<sup>th</sup> day of February, 2010.

/s/ Kimberly Ray  
Kimberly Ray, Legal Asst. to  
Jacob C. Zweig (NC Bar No.38641)  
Attorney for Chrysler Financial Services Americas  
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